



May 31, 2000

Mr. Tracy A. Pounders
Assistant City Attorney
Office of City Attorney
City of Dallas
2014 Main Street, Room 206
Dallas, Texas 75201

OR2000-2126

Dear Mr. Pounders:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 135717.

The City of Dallas (the “city”) received a request for the Dallas Police and Fire Pension System investment portfolios, broken down by investment manager. The city notified Deutch Asset Management, W.R. Huff Asset Management Co., L.L.C., and Loomis Sayles & Company, L.P., interested parties, of the request. Government Code section 552.305(d) requires a governmental body that receives a request to release of a person’s proprietary information to inform that person of the request and to provide notice, in a form prescribed by this office, that the person is entitled to submit to this office each reason the person has as to why the information should be withheld, and a brief in support of that reason. These parties submitted comments and we have considered the comments of these interested parties as permitted under Government Code sections 552.304 and 552.305. *See also* Open Records Decision No. 542 (1990) (determining that statutory predecessor to Government Code section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exceptions in certain circumstances). You have provided a representative sample of the requested information to this office for review.¹ The city asserts

¹We assume that the “representative sample” of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records

that the information is excepted from disclosure by sections 552.101, 552.104, and 552.110 of the Government Code. However, the city has not provided comment in support of the application of any exception to disclosure to this information, other than the assertion that release of the responsive information “would violate the applicant’s privacy and property rights.” Similarly, none of the interested parties has asserted that it has a privacy or property interest in the responsive information, or otherwise asserted that an exception to disclosure applies to the requested information. As no exception has been demonstrated to apply to this information, it must be released.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov’t Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

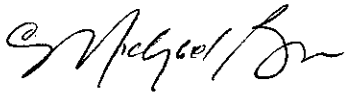
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body’s intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general’s Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

to the extent that those records contain substantially different types of information than that submitted to this office.

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.–Austin 1992, no writ).

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Jay Burns".

Michael Jay Burns
Assistant Attorney General
Open Records Division

MJB/nc

Ref: ID# 135717

Encl Submitted documents

cc: Shawn Robinson
One Gateway Plaza
Port Chester, New York 10573
(w/o enclosures)